IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: MARITZA PLAZA DIAZ DEBTOR	CASE NO. 16-07869-MCF CHAPTER 13

DEBTORS' OBJECTION TO CLAIM NO. 5-1
FILED BY ASOCIACION RESIDENTES LIRIOS CALA, INC.

TO THE HONORABLE COURT:

COMES NOW, MARITZA PLAZA DIAZ, debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. That Asociacion Residentes Lirios Cala, Inc. ("Asociacion"), filed a proof of claim no. 5-1, as a secured creditor, claiming a balance of $13.444.02, in the above captioned case.

2. That Asociacion's security results from maintenance fees, guaranteed with debtors' real property located at Urb. Lirios Cala, Juncos, Puerto Rico.

3. That proof of claim number no. 5-1 is hereby objected, specifically the total balance amount claimed, on the following grounds:

a. that prior to the filing of the present bankruptcy case, a wage garnishment in favor of Asociacion was ordered by State Court against the debtor;

b. that said wage garnishment was put into effect by debtor's employer Eastern America Insurance Agency;

c. that the debtor, through the wage garnishment, made pre-petition payments to Asociacion in the total amount of $2,952.28. (Attached is copy of document issued by debtor's employer as evidence of the total amount of pre-petition payments made by debtor to Asociacion);

d. that Asociacion's claim no. 5-1 attaches to its proof of claim an account statement *("Estado de Cuenta")* that itemizes the amounts owed to Asociacion;

e. that Asociacion, in said account statement, only itemizes an adjustment for a credit in the amount of $330.68;

f. that the correct amount that it should be credited to Asociacion's claim no. 5-1 is $2,952.28, which is the total amount paid pre-petition to Asociacion by the debtor, through the above mentioned wage garnishment;

g. therefore, claim no. 5-1, **concerning the total balance owed to Asociacion, should be reduced to $10,822.42** (total claim amount of $13,774.70 less $2,952.28 instead of only $330.68 as stated in Asociacion's claim no. 5-1 account statement).

4. Based on the aforementioned, the debtors respectfully request that Asociacion's secured proof of claim no. 5-1, be reduced to $10,822.42.

WHEREFORE, debtor respectfully requests this Honorable Court that this motion be granted and that proof of **claim no. 5-1, be reduced to $10,822.42**, in the above captioned case.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notification of this motion to Alejandro

Oliveras Rivera, Esq., Chapter 13 Trustee; I certify that I have sent a copy of this motion via certified mail #70161370000074985398 to Asociacion de Residentes Lirios Cala, Inc., PO Box 1043, Sabana Seca, PR 00952-1043; via certified mail #70161370000074985404 to Agustin Mangual Amador, Esq., 623 Ponce De Leon Ave., Suite 904-B, San Juan, PR 00917; and via regular mail to the debtor to her address of record.

NOTICE PURSUANT TO LOCAL RULE 3007-1 (c)

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 900(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the may – in its discretion – schedule a hearing. Local Rule 3007-1 (c).

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 18th day of April, 2017.

/s/ Roberto A. Figueroa Colón
ROBERTO A. FIGUEROA COLON
USDC #300105
ATTORNEY FOR PETITIONER

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UNIVERSAL Eastern ™

17 de marzo de 2017

Re: Maritza Plaza Díaz

A quien pueda interesar:

Certificamos que en cumplimiento de la orden recibida el 3 de marzo del 2016 al empleado de referencia, le fue descontado por nómina la cantidad de $2,952.28 y fue enviada a la siguiente dirección: Secretaria del Tribunal para Beneficio de la Asociación de Residentes Urb. Lirios Cala Inc.

Cualquier duda o información adicional, se puede comunicar al (787)793-7202 ext. 7043.

Atentamente,

Yesenia Andino

Payroll- Administrator